

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CLAUDIA JORDAN	)	
Plaintiff,	)	
	)	Case No.
-V.-	)	
	)	COMPLAINT
BIAGIO CRU AND ESTATE WINES, LLC	)	
Defendant	)	
	)	

**JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to 28 USC 1332 and upon information and belief, the amount in controversy exceeds Five Hundred Thousand Dollars (\$500,000.00). Venue is proper in the Southern District of New York as the Defendant transacts business in New York City.

**PARTIES**

2. Claudia Jordan (“Jordan”), the host of the popular program “Out Loud” on Fox/Soul. Jordan was also a former cast member on Bravo’s hit show “Real Housewives of Atlanta” and is a former “Ms. Rhode Island”. Jordan is a Texas resident and is domiciled in Texas. Jordan has a strong social media following due to her celebrity status. Jordan is African-American.

3. Biagio Cru and Estate Wines, L.L.C. (“Biagio”) has a business address of 3333 New Hyde Park Rd Suite 406, New Hyde Park, NY 11042. Biagio does business in New York County and engaged in business with Jordan in New York County. Upon information and belief, the members of Biagio are residents of New York.

**FACTS**

4. Pursuant to CPLR section 213, Jordan and Biagio entered a partnership contract (“contract”). The parties understood and believe that the attorneys for Biagio would be drafting the contract. Exhibit A. The parties began working together in 2016. Jordan was to market, brand and promote the “Just Peachy” wine and Biagio would market, distribute and collect the revenues from the sales of the wine. Before Jordan’s involvement, the “Just Peachy” brand performed terribly, See Exhibit B, which made the partnership with Jordan attractive to Biagio.

5. Jordan was to receive three (3) percent ownership of the brand and three (3) percent of all monies associated with “Just Peachy” in perpetuity.

6. Biagio sells the “Just Peachy” wine nationwide and specifically in New York City at:

**NEW YORK WINE EXCHANGE**

9 BROADWAY  
NEW YORK, NY 10004

**HONOR WINES**

36 BAY STREET  
STATEN ISLAND NY 10301

**GARNET WINE AND LIQUORS**

929 LEXINGTON AVE  
NEW YORK, NY 10065

7. The parties hired a public relations firm (Marino Public Relations) located in New York City and began to market/publicize the relationship in 2017.

8. The parties released press statements in 2017 and understood that “Just Peachy” was to be Jordan’s “forever” in the partnership. See Exhibit C & D. Biagio approved all press statements prepared Marino or published by Jordan.

9. The parties agreed to a relaunch (See Exhibit E), of “Just Peachy” as a Jordan creation as written in the article published by rollingout.com at Exhibit F in 2017.

<https://rollingout.com/2017/07/22/claudia-jordan-introduces-new-wine-just-peachy/>

The parties used the poster at Exhibit G to promote the Atlanta, Georgia “Just Peachy” event in 2017 that was a big success.

10. The parties released “Just Peachy” as a Jordan created wine.

<https://www.ajc.com/entertainment/real-housewives-atlanta-claudia-jordan-releases-new-wine/wL6qkmCKUHstoX49srZpCI/>.

11. In April 2018, Biagio requested and Jordan attended an event at a New York City ice cream shop in which “Just Peachy” ice cream was being sold. <https://pulsd.com/new-york/events/tipsy-scoop/1-dollar-sparkling-wine-peaches-cream>. Exhibit H and I.

12. With Jordan’s involvement, sales of “Just Peachy” increased dramatically due to the former Real Housewives star. Jordan involvement in the strategy, branding and marketing of “Just Peachy” was a success.

13. Without notice or compensation, Biagio attempted to terminate the contract with Jordan in late 2018 and stopped paying Jordan.

14. The defendant attempted to terminate the contract due to Jordan’s alleged support for the “Black Lives Matter” movement. Biagio had no right to terminate the contract.

15. Biagio also commented that Jordan's social media posts were "too slanted" in late 2018. Jordan's social media posting in late 2018 addressed the issue of police mistreatment of African-Americans and racial issues.

16. Biagio followed Jordan's social media accounts and unlawfully attempted to terminate the contract because Biagio did not agree with Jordan's political views on racial issues in 2018.

17. Biagio utilized Jordan's services and celebrity to increase the visibility and sales of the "Just Peachy" brand.

18. Biagio has retained the funds relating to the economic success of the "Just Peachy" brand and wine in breach of the contract.

19. In 2018, Biagio stopped sending revenue statements/accountings to Jordan.

20. Now, Biagio unlawfully claims that Jordan has no ownership interest and that the contract was terminated because it was an "at will" contract. Biagio contends "dissatisfaction with Ms. Jordan's ability to boost sales in relevant markets" was the reason for termination. See Exhibit J.

21. Biagio knows that the claim in Exhibit J are false and that the real reason for the unlawful termination was Jordan's support of justice for African-Americans and unlawful police treatment of African-Americans.

22. Biagio has breached its partnership contract with Jordan and failed to provide an accounting.

23. The public continues to link "Just Peachy" with the Plaintiff and the defendant continues to sell "Just Peachy".

## **COUNT I PARTNERSHIP ACCOUNTING**

24. Jordan re-alleges paragraphs 1-23.

25. Jordan has a contract with Defendant. Jordan performed the services under the contract.

26. The defendant unlawfully breached the contract by attempting to terminate the partnership contract and failed to provide accountings since 20018.

27. The defendant's attempt to terminate the contract is unlawful. The partnership continues to exist and "Just Peachy" continues to be sold.

28. Defendant cannot terminate the partnership contract and keep Jordan's ownership interest in "Just Peachy".

29. Jordan has an ownership interest in “Just Peachy” due to her partnership contract.
30. Jordan was to receive a percentage of sales relating to the “Just Peachy” brand in perpetuity.
31. No party to the partnership contract ever legally dissolved the partnership and “Just Peachy” continues to be sold.
32. A partnership is not terminated upon dissolution, but rather continues for the purpose of winding up until such affairs are completed. *Lai v Cartlan*, 46 AD3d 237, 245 (1<sup>st</sup> Dept 2007).
33. The partnership has never gone through the “winding up” process and the partnership continues to operate and sell the “Just Peachy” wine.
34. Jordan demands an accounting relating to the partnership and “Just Peachy” brand.

**COUNT II  
BREACH OF CONTRACT**

35. Plaintiff repeats and realleges each of the preceding paragraphs 1-34 above.
36. Defendant contends that Plaintiff is not a partner and has no ownership interest in “Just Peachy”.
37. Defendant contends that Plaintiff was an independent contractor.
38. If the contract is not a partnership contract, Plaintiff is a contractor with a contractual right to three (3) percent sales of “Just Peachy” in perpetuity.
39. Plaintiff has performed the contract or is excused from performance.
40. Defendant have failed to perform and has breached the contract.
41. Defendant has harmed the Plaintiff in her business and stopped providing statements and accountings to the Jordan.
42. Defendant has unlawfully kept all the monies relating to “Just Peachy” since late 2018 without payment to Jordan.

**COUNT III  
CONVERSION**

43. Plaintiff repeats and realleges each of the preceding paragraphs 1-34 above.

44. If the contract is not a partnership contract, Plaintiff is a contractor with a contractual right to three (3) percent sales of “Just Peachy” in perpetuity.
45. Defendants contends that Plaintiff if an independent contractor. If Plaintiff was an independent contractor, she has a claim for conversion.
46. Conversion claims in New York may be predicated upon a Defendant’s wrongful dominion over plaintiff’s tangible or intangible personal property. *Thyroff v. Nationwide Mutual Ins. Co.*, 864 N.E.2d 1272, 1278 (N.Y. 2007).
47. To establish a cause of action in conversion, the Plaintiff must show (i) legal ownership or an immediate superior right of possession to specific identifiable personal property, and (ii) the defendant exercised an unauthorized dominion over the property in question to the exclusion of the plaintiff’s rights. *Korangy Publishing, Inc. v. Miceli*, 2009 WL 586131, at \*4 (N.Y. Sup. 2009); *Five Star Bank v. CNH Capital America, LLC*, 865 N.Y.S.2d 190, 192 (App. Div. 4 Dept. 2008).
48. Plaintiff was due three (3) percent of sales from “Just Peachy” in perpetuity.
49. Defendants has failed to pay Plaintiff the monies due since 2018 and has converted the funds for their own use.

**COUNT IV  
UNJUST ENRICHMENT**

50. Plaintiff repeats and realleges each of the preceding paragraphs 1-49 above.
51. In New York, the elements of an unjust enrichment claim are “that (1) the other party was enriched, (2) at that party’s expense, and (3) that it is against equity and good conscience to permit the other party to retain what is sought to be recovered.” *Mandarin Trading Ltd. v. Wildenstein*, 16 N.Y.3d 173, 182 (2011).
52. Defendant was enriched by the utilization of Plaintiff’s services.
53. Defendant accepted Plaintiff’s services without paying the agreed upon fee for plaintiff’s services in perpetuity.
54. It is against equity and good consciences to all Defendant to retain the three (3) percent of sales which Jordan’s seeks to recover.
55. Defendant has harmed Jordan in her business.

WHEREFORE, PLAINTIFF REQUESTS:

**-A trial by jury;**

-Judgment on of an award of damages to be determined by the Court;

-Attorney's Fees;

-Interest;

-Cost, and,

-punitive damages

CLAUDIA JORDAN

By Her Attorneys,

A handwritten signature in black ink, appearing to read 'C. Brown', is written over a light blue rectangular background.

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Christopher L. Brown (3465)

Brown & Rosen LLC

Attorneys At Law

100 State Street, Suite 900

Boston, MA 02109

617-728-9111 (T)

[cbrown@brownrosen.com](mailto:cbrown@brownrosen.com)

September 5, 2020

# **EXHIBIT A**

**From:** Claudia Jordan [<mailto:claudiajordan7@aol.com>]  
**Sent:** Tuesday, November 08, 2016 6:46 PM  
**To:** Ben Restivo; [Ronnie@Supermarket-Associates.com](mailto:Ronnie@Supermarket-Associates.com)  
**Cc:** [richard@stonegate-foods.com](mailto:richard@stonegate-foods.com); Darren Restivo  
**Subject:** Re: "Just Peachy"

Good to hear we are up and running. I'm truly excited about this partnership.  
My address is:

Claudia Jordan  
12760 Millenium Drive #103  
Playa Vista, CA  
90094

Thank you!  
CJ

Claudia Jordan  
"If it was easy....everyone would be doing it!"

-----Original Message-----

From: Ben Restivo <[brestivo@biagiocru.com](mailto:brestivo@biagiocru.com)>  
To: Ronnie <[Ronnie@Supermarket-Associates.com](mailto:Ronnie@Supermarket-Associates.com)>  
Cc: Richard Given <[richard@stonegate-foods.com](mailto:richard@stonegate-foods.com)>; 'Claudia Jordan' <[claudiajordan7@aol.com](mailto:claudiajordan7@aol.com)>; Darren Restivo <[drestivo@biagiocru.com](mailto:drestivo@biagiocru.com)>  
Sent: Tue, Nov 8, 2016 11:13 am  
Subject: RE: "Just Peachy"  
Hi Ronnie,

Sounds good. Again (and Claudia included), I'm sorry for the delay in getting these contracts out to you. As I explained, our attorney said she was putting something final together and then just threw out options based on agreements she'd done before. Darren and I are in the process of putting something together with her.

We are, in conjunction with Marino (our PR company), in the process of coming up with a more comprehensive PR/Marketing strategy. I know that you're aware that Claudia has been speaking with them to aid in this.... I'd like any artwork and direction to be done in house here, so we're all on the same page. We're happy to support the brand with point of sale material that helps get the message out.

I just sent an email to Chris Tigani to let him know we're ready to go if he is. So, I'll let you know once we start shipping.

Hi Richard,



It's nice to meet you.

Please find attached the sales for Oct. on Just Peachy. These will be sent to you each month prior to payment. As I mentioned to Ronnie, JP is starting to get some traction... I know Claudia will be a great asset in taking things to the next level. We will be sending out checks this week for October sales.

Claudia,

I hope you're well...

I just need to know where to send your check. Please let me know.

Best regards,

Ben

**Before you print think about the Environment**

***Ben Restivo***

Managing Director  
Principal  
CSW

Biagio Cru and Estate Wines, L.L.C  
3333 New Hyde Park Rd  
Suite 406  
New Hyde Park, NY 11042  
[www.biagiocru.com](http://www.biagiocru.com)  
T. 516.299.4344 (ext. 222)  
C. 516.852.7407  
F. 516.299.4348  
 @BenRestivo

# **EXHIBIT B**

From: Darren Restivo <[drestivo@biagiocru.com](mailto:drestivo@biagiocru.com)>  
To: Claudia Jordan <[claudiajordan7@aol.com](mailto:claudiajordan7@aol.com)>; Ben Restivo <[brestivo@biagiocru.com](mailto:brestivo@biagiocru.com)>  
Cc: Vincent Restivo <[vrestivo@biagiocru.com](mailto:vrestivo@biagiocru.com)>; [Ronnie@Supermarket-Associates.com](mailto:Ronnie@Supermarket-Associates.com)  
<[Ronnie@Supermarket-Associates.com](mailto:Ronnie@Supermarket-Associates.com)>  
Sent: Thu, Sep 29, 2016 1:57 pm  
Subject: RE: "Just Peachy"

Pretty low numbers as this has been an item focused mainly in NY since it's inception for reasons we can discuss later. We have recently seen the growth potential nationally which is why we are together now ☺ in a conference now so will get you this info later today or tomorrow. In the meantime could you please help get Marino what they need as we are making a presentation and would like to incorporate you into the project

Darren Restivo  
Biagio Cru

**From:** [Claudia Jordan](#)  
**Sent:** Thursday, September 29, 2016 2:52 PM  
**To:** [Ben Restivo](#)  
**Cc:** [Vincent Restivo](#); [Darren Restivo](#); [Ronnie@Supermarket-Associates.com](mailto:Ronnie@Supermarket-Associates.com)  
**Subject:** Re: "Just Peachy"

Ok thank you so much. I'm so happy we are moving forward. I had a question-where is Just Peachy right now as far as how much it's selling? Was curious. Thanks again and let's blow this thing up!  
Claudia J :-)

Claudia Jordan  
"If it was easy....everyone would be doing it!"

-----Original Message-----  
From: Ben Restivo <[brestivo@biagiocru.com](mailto:brestivo@biagiocru.com)>  
To: 'Claudia Jordan' <[claudiajordan7@aol.com](mailto:claudiajordan7@aol.com)>  
Cc: Vincent Restivo <[vrestivo@biagiocru.com](mailto:vrestivo@biagiocru.com)>; Darren Restivo <[drestivo@biagiocru.com](mailto:drestivo@biagiocru.com)>; Ronnie <[Ronnie@Supermarket-Associates.com](mailto:Ronnie@Supermarket-Associates.com)>  
Sent: Tue, Sep 27, 2016 12:32 pm  
Subject: RE: "Just Peachy"

Hi Claudia,

Just an FYI- Our attorney has been travelling and hasn't put together the agreement yet. I just followed up with her and she said she should have it in the next couple of days. As we discussed, we will begin payment to you as of 10/1 sales regardless of whether or not we have had a chance to sign the agreement.

Best regards,

Ben

**Before you print** think about the **Environment**

***Ben Restivo***

Managing Director  
Principal  
CSW

Biagio Cru and Estate Wines, L.L.C  
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Suite 406  
New Hyde Park, NY 11042  
[www.biagiocru.com](http://www.biagiocru.com)  
T. 516.299.4344 (ext. 222)  
C. 516.852.7407  
F. 516.299.4348



@BenRestivo

# **EXHIBIT C**

From: Jaclyn Finger <[jfinger@marinopr.com](mailto:jfinger@marinopr.com)>  
To: Claudia Jordan <[claudiajordan7@aol.com](mailto:claudiajordan7@aol.com)>  
Cc: Robert Barletta <[rbarletta@marinopr.com](mailto:rbarletta@marinopr.com)>; Jennifer Passaretti <[jpassaretti@marinopr.com](mailto:jpassaretti@marinopr.com)>; Darren Restivo <[drestivo@biagiocru.com](mailto:drestivo@biagiocru.com)>  
Sent: Wed, Jun 28, 2017 11:09 am  
Subject: Just Peachy Release

Hi Claudia,

Please see attached for a draft version of the Just Peachy release, which we will send out before your bottle signing event. Would you be able to provide us with a quote for the release? I think something along the lines of how you are excited to keep this peach forever and how it's a brand your following would enjoy, would work great.

Let us know if you have any questions. Thank you!

**Jaclyn Finger**  
Assistant Account Executive

**Marino.**  
747 Third Avenue | Floor 18 | New York, NY 10017  
O. (212) 402-3491 | C. (908) 902-6975 | [www.marinopr.com](http://www.marinopr.com) | @marinopr

## **NEWS**

FOR IMMEDIATE RELEASE

Media Contact: Jennifer Passaretti  
Marino  
212-402-3492 / [jpassaretti@marinopr.com](mailto:jpassaretti@marinopr.com)

### **Claudia Jordan, Just Right for Just Peachy**

***Biagio Cru Wines partners with former Bravo's Housewives of Atlanta star to bring sparkling wine to more consumers nationwide***

**New Hyde Park, NY, XX, 2017** – Biagio Cru Wines & Spirits today unveiled a new partnership with actress, model, reality TV star and radio personality, Claudia Jordan, to help market Just Peachy Sparkling Wine across the nation.

Through the launch of this partnership, Biagio Cru will implement a new campaign that will feature Claudia Jordan as the face of the refreshing sparkling wine and include a number of promotional events across the country.

"Just Peachy is a fruity, refreshing beverage that is perfect for get-togethers amongst friends. As we expand its profile nationwide, it was very important for us to partner with someone who truly embodied the brand's lively, bubbly character," said Darren Restivo, a principal of Biagio Cru Wines & Spirits. "Claudia Jordan is a natural fit, and we are incredibly thrilled to work together on the launch of an exciting campaign that will bring this delicious sparkling wine to more consumers in all fifty states."

Produced in Salon de Provence, France, Just Peachy Sparkling Wine boasts a bright, effervescence that glistens delicately in every glass. The natural peach flavor infused into each bottle creates an aroma of mature peach fruit on the nose, and subtle elegance onto the palate.

#### **Claudia Jordan quote**

Most recently, Claudia Jordan starred on Bravo's reality hit, *The Real Housewives of Atlanta*. She is a co-host on nationally syndicated radio show, *The Ricky Smiley Morning Show*, and is a frequent contributor on HLN's *Dr. Drew on Call*. Claudia was a Barker's Beauty on CBS's game show, *The Price is Right*, and was also part of NBC's *Deal or No Deal* for three years. With a passion for business, she was selected to compete on season two of Donald Trump's *The Celebrity Apprentice*. Following, she served as host of the 2009 *Miss Universe Pageant*. Claudia is also a former co-host on Jamie Foxx's radio show *The Foxxhole* on SiriusXM, and former host of her own SiriusXM radio show, *The Claudia Jordan Show* on the Foxxhole Comedy Network.

For updates on Just Peachy Sparkling Wine, please visit [www.biagiocru.com](http://www.biagiocru.com).

For media or partnership inquiries with Claudia Jordan and Biagio Cru Wines & Spirits, please contact Jennifer Passaretti of Marino, at [jpassaretti@marinopr.com](mailto:jpassaretti@marinopr.com) or 212-402-3492.

#### **About Biagio Cru Wines & Spirits**

Based in New Hyde Park, NY and founded in 1998, Biagio Cru is a family-owned importer of fine wines and spirits from across the globe.

In 2017, Biagio Cru introduced Rosé All Day nationwide, a new rosé wine from the Languedoc-Roussillon region of France. A top trending wine hashtag, #RoséAllDay has become a social media phenomenon

with hundreds of thousands of rosé lovers sharing their excitement for the wine by posting pictures emulating a trendy, chic lifestyle

Biagio Cru's stable of wines includes the perennially popular Lolailo Sangria, which has received the Impact Hot Brand award for the fourth consecutive year.

De Restia Crianza from Ribera del Duero in Portugal, has recent recognitions of 90, 91 and 93 point ratings across multiple vintages, as well as the much coveted "Smart Buy" and "Savvy Shopper" nods. It was touted as "one of the most impressive values of the year" ranking #26 in the Wine Spectator Top 100 wines of the year.

Biagio imports the Parxet line of wines, which features the Cuvee 21, the only organic cava from the Alella region of Spain, garnering a Wine Enthusiast 90 point "Editor's Favorite" rating. The Parxet line also includes a Reserve and a rosé called Titiana.

Herdade de Medeiros, from the famed Alentejano region of Portugal, also is part of the expanding Biagio Cru portfolio, boasting WE nods of "Best Buys" and "Editor's Choice".

Biagio Cru imports the full line of Tabali wines, one of the most prominent and highly-regarded brands in Chile today, hailing from the unique Limari Valley. Tabali wines have received superior ratings from the world's leading critics, Robert Parker, James Suckling, Descorchados and Wine and Spirits Magazine, including a 94 for the Talinay Sauvignon Blanc, a 94 "100 Best Wines of The Year" for the Talinay Chardonnay, and a 96 "best Malbec of the Year" for their new Roca Madre line.

###



# **EXHIBIT D**

From: Jennifer Passaretti <[jpassaretti@marinopr.com](mailto:jpassaretti@marinopr.com)>  
To: 'Claudia Jordan' <[claudiajordan7@aol.com](mailto:claudiajordan7@aol.com)>  
Cc: Jaclyn Finger <[jfinger@marinopr.com](mailto:jfinger@marinopr.com)>  
Sent: Mon, Sep 18, 2017 4:44 pm  
Subject: RE: Just Peachy media

Hi Claudia,

Just wanted to send along a placement we secured in the September print issue of Beverage Industry Magazine for Just Peachy (attached here).

Thanks!  
Jen

**From:** Jennifer Passaretti  
**Sent:** Wednesday, September 13, 2017 2:45 PM  
**To:** 'Claudia Jordan'  
**Cc:** Jaclyn Finger  
**Subject:** RE: Just Peachy media

Thanks, Claudia. Where are you today? If you could please provide us with your schedule for the upcoming months, we can work on additional PR opportunities. Thanks.

**From:** Claudia Jordan [<mailto:claudiajordan7@aol.com>]  
**Sent:** Wednesday, September 13, 2017 2:41 PM  
**To:** Jennifer Passaretti  
**Subject:** Re: Just Peachy media

I get there today and Hosting a fashion show for fashion week tomorrow. I sent Darren a text letting him know. I really want to get moving on this. Not enough is happening and we have such a great product that everyone loves!! After the success of Atlanta and selling out- I thought we're so more of those asap. They really help get a buzz going out there. What cities were you thinking next? I'd love to do something in nyc and LA and providence. Thoughts?

Sent from my iPhone

On Sep 13, 2017, at 10:27 AM, Jennifer Passaretti <[jpassaretti@marinopr.com](mailto:jpassaretti@marinopr.com)> wrote:  
Hi Claudia,

Hope all is well! Was wondering if you'd be able to provide us with your travel schedule for the upcoming months, so we can coordinate pitching for Just Peachy.

Thank you, and look forward to hearing from you!  
Jen

**Jennifer Passaretti**  
Account Executive

**Marino.**  
747 Third Avenue | Floor 18 | New York, NY 10017  
O. (212) 402-3492 | C. (516) 592-9019 | [www.marinopr.com](http://www.marinopr.com) | @marinopr

# the Last Drop

## DIGITAL CREATIVITY

BY AMANDA DEL BUONO  
Associate Editor

**F**inding new ways to reach consumers in a crowded marketplace and digital world can be difficult. While sifting through my emails and news, I'm always intrigued by brands that are finding unique ways to

utilize the digital world to connect and excite their consumers.

In August's Special Report, I reported on the use of social media in beverage marketing. But beverage brands' activity in the digital world goes

beyond social media.

For instance, Dr Pepper launched an interesting promotion this summer called Pick Your Pepper, Bring on Summer. For a limited time (June 15 to Aug. 15), consumers at Walmart stores had the chance to participate in the campaign, which was powered by digital marketing experts HelloWorld. The campaign rewarded shoppers who purchased Dr Pepper in-store at Walmart.

To participate, consumers visited a campaign microsite where they could upload their receipts to earn rewards. For every \$1 spent, consumers unlocked a virtual, custom Dr Pepper bottle with a unique Pick Your Pepper label. After unlocking five bottles, consumers could receive a variety of prizes, ranging from an inflatable drink holder for five bottles to a Dr Pepper pool float for 40 bottles.

Another interesting use of digital comes from Jordan Vineyard & Winery. The company recently debuted a new website, winecountrytable.com. Wine Country Table is dedicated to sharing recommendations and tips to help others eat, drink and travel with Sonoma style, the company says. Its chef and baker offer cooking, baking, and food and wine pairing advice, while its event planner and designer shares home entertaining and party planning tips.

Now that technology has become fully entrenched into many consumers' lives, it's important that marketers are developing interactive ways to engage with their consumers.

## Don't you want a...

Encouraging consumers to embrace all of the things that make them bold and unique, Fanta launched its Be More Than One Flavor campaign. Going back to its roots, the brand enlisted its most iconic stars to spread the word. The Fantanas hit the airwaves in August to introduce the new era of Fanta. The new group will be the fresh faces of Hollywood and social media sensations, the company says. **Eva Gutowski, Lauren Riihimaki, Jordan Fisher and Coco Jones, the next generation of The Fantanas, will embrace the multiple flavors of Fanta through their individuality and exciting passions, it adds.** The new campaign comes with a remix of the "Wanna Fanta" anthem as well as TV commercials, cinema ads, online video, social media, streaming radio and out-of-home ads.

## Peachy partnership

**Biagio Cru Wines & Spirits unveiled a new partnership with actress, model, reality TV star and radio personality Claudia Jordan to market Just Peachy Sparkling Wine. A new marketing campaign will feature Jordan as the face of the brand and include promotional events, the company says. "Just Peachy is a fruity, refreshing beverage that captures some of the fastest growing categories in the industry: peach-infused products as well as sparkling wines. As we expand its profile nationwide, it was very important for us to partner with someone who truly embodied the brand's lively, bubbly character," said Darren Restivo, a principal of Biagio Cru Wines & Spirits, in a statement.**

## Bringing characters to life

19 Crimes is bringing the rogue characters depicted on its wine labels to life with the launch of an augmented reality app. Available via the Apple App and Google Play stores, the app animates three of the 19 Crimes' convicts-turned-colonists, each telling their own infamous story, the company says. **Hovering a mobile device over bottles of 19 Crimes' wines brings the characters on the labels to life, sharing their scandalous stories that sent them on a journey to build a new life across the ocean in Australia, it adds.** "Augmented reality is an exciting technology, giving us the unique opportunity to let these historic convicts-turned-colonists tell their own stories in a way that resonates with today's consumers," said Samantha Collins, 19 Crimes Director, in a statement.

## Stake your claim

Leading up to the Sept. 16 championship boxing bout between "Golden Boy" Canelo Alvarez and Gennady "GGG" Golovkin, Tecate launched its Claim Your Corner fully integrated campaign, which ran from July 1 to Aug. 31. **Through specially marked packages, consumers received a code that gave them a chance to win Tecate swag and boxing gear, as well as tickets to the main event.** Consumers also could enter the sweepstakes on the brand's website. A heavy focus on video featuring Sylvester Stallone drove awareness, expanded reach and maximized impact, the company says. Digital and social media posts from Tecate and the boxers featured exclusive content, and the proprietary Bold Punch app delivered the latest boxing info, exclusive videos, fighters' bios and stats, and tips on how to watch the fight, it adds.

## Crystal clear nostalgia

Last month, PepsiCo Inc. hosted The Crystal Pepsi Throwback Tour — a multi-city tribute to the nostalgia of the '90s. To honor the iconic era in baseball and music, the tour presented three free shows featuring a variety of '90s music artists and was centered around stadiums across the United States during the baseball season, the company says. In partnership with iHeartRadio's local FM stations, the tour stopped in New York City, Phoenix and Miami. The tour led up to the final limited release of the '90s iconic clear cola, it says. "From the '90s through today, Pepsi has been a brand very much connected to music and baseball. We're excited to see this special tour come to life and to celebrate Crystal Pepsi's last return," said Chad Stubbs, vice president of marketing for the Pepsi Trademark, in a statement.



# **EXHIBIT E**

**From:** Jennifer Passaretti  
**Sent:** Thursday, August 18, 2016 10:16 AM  
**To:** 'Claudia Jordan'  
**Subject:** Just Peachy

Hi Claudia,

It was a pleasure speaking with you yesterday! Thanks again for taking the time to chat – looking forward to working together ☺ Below are the Biagio Cru social media handles, as well as contact information for Darren, Ben, my colleague, Robert (my phone number is also in my signature below). As we mentioned yesterday, we are going to put together a plan to re-launch this brand. In the meantime, would you please be able to send along any upcoming events, appearances, get-togethers, etc. that you think would be a good fit for Just Peachy? Can you please also include the next time you think you'll be in New York?

Let me know if you have any questions at all.

Thank you!  
Jen

**Biagio Cru social media handles:**  
Facebook & Twitter: @biagiocruwines

**Darren Restivo**  
Principal, Biagio Cru & Estate Wines  
[drestivo@biagiocru.com](mailto:drestivo@biagiocru.com)  
516-299-4344

**Ben Restivo**  
Principal, Biagio Cru & Estate Wines  
[brestivo@biagiocru.com](mailto:brestivo@biagiocru.com)  
516-299-4344

**Robert Barletta**  
Executive Vice President, Marino  
[rbarletta@marinopr.com](mailto:rbarletta@marinopr.com)  
(212) 889-4116

# **EXHIBIT F**



# Claudia Jordan introduces new wine, Just Peachy

By [Jonell Whitt](#) | July 22, 2017 | [0](#)



Claudia Jordan and the ladies – Photo Credit Jonell Whitt via Steed Media

For Claudia Jordan launching her new wine, Just Peachy, in Atlanta was such a no brainer. When thinking of a name, she wanted it to reflect the taste she was looking for in her wine and it was important to create something that most women would love. Enjoying her experience living in Atlanta and sipping on wine while watching her Bravo network show “Real Housewives of Atlanta,” was always a reflection of fun times, so it definitely had to be something that reminded her of Georgia.

The name Just Peachy was so fitting. After picking out the name, Claudia knew she had to launch her wonderful new product in the city of Atlanta. This was one of the first things she conveyed to her management team.



Claudia Jordan & Ebony Steele – photo credit Jonell Whitt via Steed Media

It wasn't surprising that the Cost Plus Warehouse in Atlanta, Georgia was crawling with not only all of Claudia's girlfriends she had left behind upon moving back to Los Angeles: there were also men, women, friends and fans of Claudia lined up wall to wall in the store. Everyone was purchasing bottles of Just Peachy to qualify for the raffle of the \$100 gift card. Within less than three hours, the store was completely sold out of the wine. Claudia was surprised and excited but disappointed because people were still coming in requesting the wine. It's available at all Cost Plus Warehouse stores nationally.





Photo Credit Jonell Whitt via Steed Media

# **EXHIBIT G**





## Just Peachy

PEACH INFUSED SPARKLING WINE  
Provence, France

Meet **Claudia Jordan** at a  
bottle signing event

Where: Cost Plus at:  
2530 Cumberland Blvd Smyrna, GA  
30080

When: Saturday, July 8 from  
1pm-4pm

*Claudia Jordan*

Claudia is an American actress, model, reality television and radio personality. She is known for appearing as a model on the U.S. version of Deal or No Deal and The Price is Right as well as competing on seasons 2 and 6 of Celebrity Apprentice. She appeared on the Bravo reality television series The Real Housewives of Atlanta for its seventh season.

# **EXHIBIT H**

NEW YORK > [EVENTS](#) > \$1 SPARKLING WINE PEACHES & CREAM



### \$1 Sparkling Wine Peaches & Cream

Join Claudia Jordan Of Real Housewives Of Atlanta As She Signs Autographs - Plus \$1 Topsy Scoops

[Topsy Scoop](#) |

245 followers

217 E 26th Street | [\(917\) 388-2862](#)

Friday, April 6th, 2018

4:00PM - 10:00PM

JOIN

GET ANY PULSE FOR FREE ~ *Earn \$5 per friend who purchases, for the two of you ~*

[Continue](#)

DETAILS

# **EXHIBIT I**



## Videos



We're at **Tipsy Scoop** with **Claudia Jordan** serving up Just Peachy and Cream sundaes, made with Just Peachy Sparkling wine. Available throughout April.



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# **EXHIBIT J**





**Domenique Camacho Moran**  
Partner

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Our File No.  
33299-107

August 13, 2020

Via Email cbrown@brownrosen.com  
Mr. Christopher Brown  
Brown & Rosen LLC  
100 State Street, Suite 900  
Boston, MA 02109

RE: Claudia Jordan

Dear Mr. Brown:

Farrell Fritz, P.C. has been retained to represent Biagio Cru and Estate Wines, LLC ("Biagio") and write in response to your July 21, 2020 correspondence.

As you know, Biagio began working with Ms. Jordan in 2016. Biagio expected Ms. Jordan to participate in identified events to promote the "Just Peachy" brand. The relationship between Biagio and Ms. Jordan was terminable at-will. Biagio elected to part ways with Ms. Jordan for legitimate, non-discriminatory reasons; namely, dissatisfaction with Ms. Jordan's ability to boost sales in relevant markets. Contrary to the allegations set forth in your correspondence, Ms. Jordan is not entitled to any additional financial compensation and never had any ownership interest in the Just Peachy brand.

Be advised, Biagio Cru will vigorously defend against the false claims asserted by Ms. Jordan and will pursue any and all appropriate legal actions associated with false and defamatory statements published by Ms. Jordan.

Should you wish to discuss this matter further, please call.

Very truly yours,

*s/ Domenique Camacho Moran*

Domenique Camacho Moran

cc: Matthew Donovan, Esq.